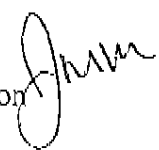


DATE: 6/1/07

TO: Below Listed Counsel

FROM: The Honorable John M. Melanson 

RE: Jerome County Case No. CV 2007-526

Dear Counsel:

The following Order and Notice of Hearing are being faxed as a courtesy copy because of the lateness of the hour and because the hearing is set for next week. The original notice and order have been forwarded to the clerk in Jerome County for filing and service. The Jerome County clerk has been instructed to fax you file-stamped copies today, as well as serve copies by first-class mail.

Randall Budge
Fax: 208-232-6109

Paul Arrington
Travis Thompson
Fax: 208-735-2444

Tom Arkoosh
Fax: 208-934-8873

Kent Fletcher
Fax: 208-878-2548

Daniel Steenson
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Justin May
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Patrick Brown
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**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF JEROME**

**IDAHO GROUND WATER
APPROPRIATORS, INC. MAGIC
VALLEY GROUNDWATER
DISTRICT and NORTH SNAKE
GROUND WATER DISTRICT,**

Plaintiffs

vs.

**IDAHO DEPARTMENT OF
WATER RESOURCES and DAVID
TUTHILL, JR., IN HIS OFFICIAL
CAPACITY AS DIRECTOR OF
THE IDAHO DEPARTMENT OF
WATER RESOURCES,**

Defendants,

and

**BLUE LAKES TROUT FARMS,
INC.; CLEAR LAKES TROUT CO.,
INC.; ANITA K. HARDY; RIM
VIEW TROUT COMPANY, INC.;
JOHN W. "BILL" JONES, JR. and
DELORES JONES; CLEAR
SPRINGS FOODS, INC.; RANGEN
INC.; AMERICAN FALLS
RESERVOIR DISTRICT NO. 2;
A&B IRRIGATION DISTRICT;
BURLEY IRRIGATION
DISTRICT; MILNER
IRRIGATION DISTRICT; NORTH
SIDE CANAL CO.; and TWIN
FALLS CANAL CO.,**

Intervenors.

Case No. CV 2007-526

**ORDER GRANTING MOTIONS TO
INTERVENE BASED ON
STIPULATION OF THE PARTIES
AND I.R.C.P. 24(a) INTERVENTION
OF RIGHT OR ALTERNATIVELY
I.R.C.P. 24(b) PERMISSIVE
INTERVENTION**

ORDER GRANTING MOTIONS TO INTERVENE

IT IS ORDERED, based on respective *Stipulations*, the following parties are granted intervention:

1. Blue Lakes Trout Farm, Inc., Clear Lakes Trout Co., Inc., Anita K. Hardy, Rim View Trout Company, Inc., through attorneys of record Ringert Clark Chartered, Boise, Idaho.
2. John W. "Bill" Jones, Jr. and Delores Jones, through attorneys of record Hutchinson and Brown, Twin Falls, Idaho.

IT IS FURTHER ORDERED, pursuant to I.R.C.P. 24(a)(2), intervention is granted to the following parties based on the finding of an interest relating to property, to wit: water rights hydraulically-connected to the Eastern Snake Plain Aquifer, which is the subject of the action; and the finding that the disposition of the action may impair or impede the applicants' ability to protect their respective property interests.

Alternatively, pursuant to I.R.C.P. 24(b)(2), *intervention* is also granted, based on the finding that the applicants' defenses have questions of law and fact in common not only with the main cause of action in this case but also with similar proceedings in other jurisdictions in which the same issues have been raised and to which the applicants are also parties:

1. Clear Springs Foods, Inc., through attorneys of record Barker, Rosholt and Simpson, Twin Falls, Idaho.
2. Rangen Inc., through attorneys of record May, Sudweeks and Browning, L.L.P.
3. American Falls Reservoir District No. 2, A & B Irrigation District, Burley Irrigation District, Milner Irrigation District, North Side Canal Co., Twin Falls Canal Co. ("Surface Water Coalition") through attorneys of record Arkoosh Law Offices Chrt'd., Gooding, Idaho; Barker Rosholt and Simpson L.L.P., Twin Falls, Idaho; Ling Robertson and Walker, Rupert, Idaho; Fletcher Law Office, Burley, Idaho.

This *Order* is issued without oral argument, pursuant to I.R.C.P. 7 (b)(3)(D) based on the delay in getting the matter heard occasioned by the disqualification of the prior judge; the *Temporary Restraining Order* currently in effect; and the overall exigencies of having the merits timely heard because of the time sensitive nature of subject matter at issue.

The foregoing notwithstanding, this *Order* is issued on the condition that intervention will cause no further delays in the proceedings. Any party wishing to object to this Order will have the opportunity to make a record of the objection in conjunction with the hearing set June 6, 2007 at 9:00 A.M., at the Jerome County Courthouse.

IT IS SO ORDERED

Dated June 1, 2007



JOHN M. MELANSON
District Judge

ORDER GRANTING MOTIONS TO INTERVENE

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF JEROME**

**IDAHO GROUND WATER
APPROPRIATORS, INC. MAGIC
VALLEY GROUNDWATER
DISTRICT and NORTH SNAKE
GROUND WATER DISTRICT,**

Case No. CV 2007-526

Plaintiffs

vs.

**IDAHO DEPARTMENT OF
WATER RESOURCES and DAVID
TUTHILL, JR., IN HIS OFFICIAL
CAPACITY AS DIRECTOR OF
THE IDAHO DEPARTMENT OF
WATER RESOURCES,**

Defendants,

and

**BLUE LAKES TROUT FARMS,
INC.; CLEAR LAKES TROUT CO.,
INC.; ANITA K. HARDY; RIM
VIEW TROUT COMPANY, INC.;
JOHN W. "BILL" JONES, JR. and
DELORES JONES; CLEAR
SPRINGS FOODS, INC.; RANGEN
INC.; AMERICAN FALLS
RESERVOIR DISTRICT NO. 2;
A&B IRRIGATION DISTRICT;
BURLEY IRRIGATION
DISTRICT; MILNER
IRRIGATION DISTRICT; NORTH
SIDE CANAL CO.; and TWIN
FALLS CANAL CO.,**

Intervenors.

**NOTICE OF HEARING ON THE
ORDER TO SHOW CAUSE AND
PLAINTIFFS' APPLICATION FOR
PRELIMINARY INJUNCTION AND
DEFENDANTS' AND INTERVENORS'
MOTIONS TO DISMISS COMPLAINT
FOR DECLARATORY RELIEF, WRIT
OF PROHIBITION, TEMPORARY
RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

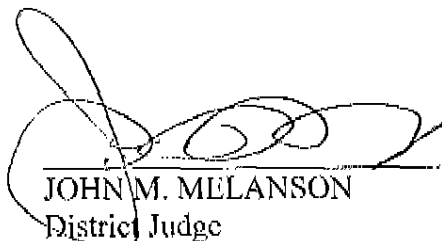
IT IS ORDERED that a hearing on the *Order to Show Cause* and Plaintiffs' *Application for Preliminary Injunction*; and Defendants' and Intervenor's *Motions to Dismiss Complaint for Declaratory Relief, Writ of Prohibition, Temporary Restraining Order and Preliminary Injunction* is **set for and will be heard on Wednesday, June 6, 2007 at 9:00 a.m. at the Jerome County Courthouse, 233 W. Main Street, Jerome, Idaho.**

Said hearing to proceed as follows:

1. Make a record of Objections, if any, to Court's granting of Motions to Intervene;
2. Oral argument on Order to Show Cause and Application for Preliminary Injunction; and
3. Oral argument on Motions to Dismiss.

IT IS SO ORDERED.

DATED June 1, 2007.



JOHN M. MELANSON
District Judge